

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
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Plaintiff,)
)
)
v.) No. 4:12CR39 RWS
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)
IFIOK EQUERE,)
)
)
Defendant.)

MEMORANDUM AND ORDER

Presently pending before the court is defendant Ifiok Equere's Motion To Reconsider Defendant's Detention (filed August 3, 2012/Docket No. 40). In his motion the defendant seeks reconsideration of the Order Of Detention Pending Trial entered by the undersigned United States Magistrate Judge on May 16, 2012. (Docket No. 30). The motion was referred to the undersigned by United States District Judge Rodney W. Sippel.

The Order Of Detention previously entered noted that the defendant had already been ordered detained pending supervised release proceedings in Cause No. 4:05CR573 CAS. The Order Of Detention entered in that cause remains in place and a final supervised release revocation hearing is set before Judge Shaw on September 6, 2012.

In addition to the reason for detention set out in the original Order Of Detention filed in this cause, there are numerous other reasons which support that Order and the continued detention

of the defendant in this cause. In the bail report filed with the Court on February 9, 2012, the Pretrial Services Agency recommended that the defendant be detained pending trial. Information set out in that report shows that the defendant has a lengthy criminal history. The defendant was convicted on June 30, 1995, in the United States District Court for the Eastern District of Pennsylvania of the offense of Conspiracy To Import Heroin. He was sentenced to 2 months imprisonment followed by 5 years supervised release. His supervision was transferred to the Eastern District of Missouri. He violated conditions of supervised release and supervision was revoked. The defendant was sentenced to one day imprisonment followed by one year of supervised release. While on supervised release the defendant was found guilty of Driving While Intoxicated (1998). Supervision in that case was terminated in October 2001. In August, 2006, the defendant was convicted in this court of Making False Statements To The Department Of Housing And Urban Development (2 counts) and of being a Felon In Possession Of A Firearm. He was sentenced to serve 37 months imprisonment followed by 3 years supervised release. In November, 2006, the defendant pled guilty to a pending state charge of Receiving Stolen Property and was sentenced to 2 years imprisonment to be served concurrently with the federal sentence imposed in August, 2006. Defendant was released from custody and his period of supervised release began in July, 2009. The drug and money laundering

conspiracies charged in the pending indictment are alleged to have begun in January, 2010, shortly after the defendant began his term of supervised release. As a result of the pending indictment the probation office is now seeking revocation of the term of supervised release imposed in the August, 2006, conviction in this court.

Several of the charges in the pending indictment (Counts 1 and 6) carry a statutory presumption that the defendant is both a danger to the community and a risk of flight; a presumption which the defendant has not rebutted. For the past twenty years the defendant has engaged in a continuous course of criminal conduct. He is charged in the current case among other things with being a felon in possession of a firearm, the same charge for which he is currently on supervision. By his past conduct the defendant has shown that he is either unable or unwilling to conform his conduct to the requirements of law even while on supervision. It is unlikely that he would abide by conditions of release if admitted to bail at this time. Also, on account of his prior history of criminal convictions the defendant likely faces a substantial sentence if convicted here. This provides incentive to flee.

All of the above leads the undersigned to conclude that there are no conditions or combination of conditions which will assure the appearance of the defendant or the safety of the

community as required and that the defendant should continue to be detained pursuant to this court's previous order.

In the pending motion the defendant asserts that his incarceration is working a hardship on his daughter, daughter's mother, and on his elderly and ailing mother. While these are unfortunate circumstances, they are a consequence of defendant's criminal conduct and do not serve to overcome the finding that the defendant is a danger to the community and risk of flight if admitted to bail at this time.

Therefore,

IT IS HEREBY ORDERED that the defendant's Motion To Reconsider Defendant's Detention (Docket No. 40) is denied.

Frederick L. Biadasz

UNITED STATES MAGISTRATE JUDGE

Dated this 9th day of August, 2012.